

SENTENCING COURTROOM MINUTE SHEET

DATE May 24, 2007CR. CASE NO. 07-4 HE U.S.A. -vs- MICHAEL PATRICK DOWNESCOMMENCED 9:05 a.m. ENDED 10:25 a.m. TOTAL TIME 1 Hr.20 MIN

JUDGE Joe Heaton

DEPUTY Janet Wright

REPORTER Jeanne Ring

GOVERNMENT COUNSEL James F. Robinson DEFENDANT COUNSEL William Price Robert WyattProbation Officer Kelly Black

Interpreter _____

SENTENCING MINUTE: Defendant appears in person with: private counsel PSR reviewed by government's counsel, defendant's counsel and defendant Defendant's objections to PSR heard. Court adopts PSI

Defendant is sentenced to custody of the Bureau of Prisons for a term of 14 months

Upon expiration of sentence imposed herein, defendant shall serve a term of supervised release of 2 years

Defendant to abide by following conditions of Supervised Release/Probation:

- (X) shall report in person to the probation office in the district to which released w/i 72 hours of release from the custody of the Bureau of Prisons.
- (X) shall comply with the standard conditions of supervision that have been adopted by this court.
- (X) shall not possess a firearm or destructive device.
- (X) the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- (X) shall submit to a sex offender mental health assessment and a program of sex offender mental health treatment as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. This assessment and treatment may include the plethysmography and polygraph to assist in planning and case monitoring. Any refusal to submit to such assessment or tests as scheduled is a violation of the conditions of supervision.
- (X) shall waive all rights to confidentiality regarding sex offender mental health treatment in order to allow release of information to the supervising probation officer and to authorize open communication between the probation officer and the treatment provider.
- (X) shall not be present at any residence where children under the age of 18 are residing without the prior written permission of the probation officer.
- (X) shall not be associated with children under the age of 18 except in the presence of a responsible adult who is aware of the defendant's background and current offense, and who has been approved by the probation officer.
- (X) shall be prohibited from places where minor children under the age of 18 congregate, such as residences, parks, playgrounds and schools, without the written permission of the probation officer.
- (X) shall neither use any form of pornography or erotica nor enter any establishment where pornography or erotica can be obtained or viewed. The defendant shall not possess or have under his/her control

any matter that alludes to sexual activity of minors, or depicts sexual activity by or between minors under the age of 18.

- (X) shall not use a computer to access any on-line computer service at any location (including employment) for the purpose of viewing, obtaining or transmitting child pornography or other sexually explicit material. The defendant shall not access Internet chat rooms for the purpose of obtaining child pornography or enticing children under the age of 18 to engage in sexually explicit activity. Additionally, the defendant shall consent to third party disclosure to any employer or potential employer concerning computer-related restrictions.
- (X) shall submit his/her person, residence, office, or vehicle to search conducted by the probation officer at a reasonable time and in a reasonable manner, to determine if the defendant is in compliance with the conditions of supervision. Such search may be conducted by the probation officer without prior notice or search warrant. Refusal to submit to such a search is a violation of the conditions of supervision.
- (X) shall provide all personal/business telephone records to the probation officer upon request. Further, the defendant shall provide the probation officer written authorization to request a record of all outgoing or incoming calls from any telephone service provider.
- (X) It is recommended that the defendant participate in the Financial Responsibility Program at a rate determined by BOP staff in accordance with the requirements of the Inmate Financial Responsibility Program.
- (X) shall complete 208 hours of community service during the first year of supervised release as directed by the probation office.
- (X) Fine is hereby waived due to defendant's inability to pay a fine.
- (X) Defendant ordered to pay special assessment of \$ 100.00, due immediately.
- (X) Defendant advised that, pursuant to the plea agreement, he/she has waived the right to appeal or collaterally challenge the sentence imposed by the Court, except under limited circumstances.

Court orders commitment to custody of Bureau of Prisons & recommends to the Bureau of Prisons that the defendant, participate in a Sex Offender Treatment Program if the defendant is not eligible, it is recommended that the defendant be assigned to Federal Medical Center at Ft. Worth, TX or at a facility closest to Oklahoma, consistent with availability and appropriate programs.

Execution of sentence stayed until 12:00 noon on June 15, 2007, Defendant released on PR Bond until he reports to designated prison.